

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2004-0006, Paula J. Stephen-Giles v. Frank Campbell, Jr., the court on February 15, 2005, issued the following order:

The defendant, Frank Campbell, Jr., appeals the entry of a final order of protection under RSA 633:3-a. He raises issues of inadequate notice, due process, sufficiency of the evidence, interpretation of RSA 633:3-a, “right to freedom of movement” and the trial court’s alleged failure to allow him to present a complete defense. While he cites pages in the transcript where these issues were allegedly raised, our review indicates that he failed to raise any arguments concerning inadequate notice, due process, statutory interpretation or the right to freedom of movement. Nor did he argue at any point that the trial court failed to allow him to present a complete defense. See LaMontagne Builders v. Bowman Brook Purchase Group, 150 N.H. 270, 274 (2003) (supreme court will not consider issues on appeal not presented in lower court); N.H. Dep’t of Corrections v. Butland, 147 N.H. 676, 679 (2002) (issues arising subsequent to trial may be raised before trial court in motion for reconsideration).

We also question whether his argument concerning sufficiency of the evidence was preserved. Even if we were to conclude that it is properly before us, we note that the trial court found that after the parties ended their relationship in 2002, the defendant “refused to accept that reality and insists on pursuing the plaintiff in spite of the fact that she is now married.” The trial court found that the defendant repeatedly called the plaintiff at home and at her business and that after she changed her home number, his calls to her business increased. The defendant also repeatedly e-mailed the plaintiff and from time to time would appear at her business unannounced in an attempt to speak to her. The record also reflects that the plaintiff suffered a heart attack in 2001 and continued to suffer from high blood pressure at the time of the 2003 hearing. The trial court found that the defendant’s persistent, unwanted attempts to contact the plaintiff created a continuing threat to her well-being. We find no error in this ruling.

Affirmed.

DALIANIS, DUGGAN and GALWAY, JJ., concurred.

**Eileen Fox
Clerk**